

**INSTRUCTIONS FOR WAIVER OF
PARENTAL NOTIFICATION**

If you are a pregnant unemancipated woman under the age of 18, or a pregnant woman for whom a guardian has been appointed because of a finding of incapacity, disability, or incompetence, and you wish to have a physician perform an abortion without the physician being required to notify your parent(s) or guardian, you may file a petition in court requesting a court order allowing the abortion without notifying your parent(s) or guardian. (Unemancipated means legally under the custody or control of one's parent(s) or guardian.)

Complete the form PETITION FOR WAIVER OF PARENTAL NOTIFICATION and deliver it to the clerk of the appropriate court. There is no fee for filing the petition. The petition may be filed in the district court, separate juvenile court, or a county court sitting as a juvenile court. The name, address, and telephone number of each court in which you may file your petition are included with these instructions. Note: In Douglas, Lancaster, and Sarpy Counties, you must file your petition in the district or separate juvenile court and not in the county court.

When you file your petition you will be told where and when to appear. The hearing may be held immediately or it may be delayed until a judge is available. If you do not deliver the petition to the court in person, you must contact them immediately after they receive it in order to obtain your hearing date and time. Because of the strict confidentiality requirements, court personnel will need your full cooperation so that you may be contacted with necessary information about your case. The court will not contact you by phone or mail unless you have given them permission.

You may hire your own attorney, or you are entitled to have an attorney appointed to represent you at no cost to you. If you request an attorney, the judge will appoint one to represent you. The judge will also appoint a guardian ad litem to represent you if the judge decides it is necessary. (Guardian ad litem means guardian for this case.)

All proceedings are confidential and held in private. Only you, your guardian ad litem, your attorney, and any person whose presence is specifically requested by you, your guardian ad litem, or your attorney, may attend the hearing. All testimony, documents, other evidence presented to the court, the petition, and any order entered are confidential and will be kept sealed by the court and not open to inspection by any person except upon order of the court for good cause shown.

The court is required to issue a ruling within seven calendar days from the time you file your petition. If the court fails to rule within seven days you may file a mandamus action with the Clerk of the Nebraska Supreme Court. A mandamus is a court action asking a superior court to direct an inferior court to act. If cause for a writ of mandamus exists, the Supreme Court will issue an order within three days directing the lower court to rule upon your petition. If this is necessary, your attorney will assist you.

After the hearing, the court will normally make one of three findings: (1) You are a mature minor and capable of giving informed consent to the proposed abortion, (2) it is in your best interests for the physician to perform the proposed abortion without prior notification to your parent(s) or guardian, (3) you are not a mature minor and are not capable of giving informed consent to the proposed abortion, and it is not in your best interests for the physician to perform the proposed abortion without prior notification to your parent(s) or guardian. The court will enter an order accordingly. The order may be issued immediately after the hearing or it may be delayed a short while, but no longer than seven calendar days from the date you filed the petition.

If the court denies an order granting an abortion without parental notification, you may appeal the decision to the Nebraska Supreme Court. Complete the NOTICE OF APPEAL document and file it with the clerk of the court that denied the order. The transcript and bill of exceptions (case records) will be prepared by the clerk of the court and court reporter/stenographer at no cost to you. The necessary documents will be filed with the Clerk of the Supreme Court no later than seven calendar days from the date of filing the notice of appeal. You will not have to appear personally in the Supreme Court. The Supreme Court will review the written record and issue a written decision on your appeal within seven calendar days from the time they receive the appeal. The decision of the Supreme Court will be provided to you, your attorney, the guardian ad litem, or any other person designated by you to receive the order.

The clerk of the court will assist you with administrative matters but will not provide you with legal advice. Your attorney and guardian ad litem will assist you through this proceeding. The petition and notice of appeal documents are available with these instructions. If they are not available, contact the clerk of the county or district court who will provide you with the proper forms.